

July 8, 2015

Can I add my child to my immigrant visa petition?

Q: My husband filed a petition for me to immigrate back in 2013. I have not had my interview yet and recently had a baby. Can I add the baby to my filing?

A: Congratulations on the birth of your child! The answer to your question is - it depends. There are two groups of family-based immigrant visa categories; IR and F. IR stands for Immediate Relative and these cases are filed by U.S. citizens on behalf of their spouses, children under 21 and their parents. The F visa category is for family preference cases. These cases are filed by both U.S. citizens and in some cases Legal Permanent Residents (green card holders) on behalf of their children, spouses and siblings.

If your husband is a U.S. citizen, your petition falls into the category of IR. Children cannot be added to these cases. However, your husband can file a separate petition for your child.

Please note: If your husband is the father of your child and was a U.S. citizen at the time of your child's birth, your child may already be a U.S. citizen. You can read more this at: <http://travel.state.gov/content/passports/english/abroad/events-and-records/birth.html> and <http://www.uscis.gov/us-citizenship/citizenship-through-parents> for more information. If you think the baby might be a U.S. citizen, you should plan a visit to our American Citizen Services section.

If your husband is not the biological father of your child, he will need to file a separate IR stepchild petition for the baby.

If your husband is a Legal Permanent Resident (F visa category), he may be able to add your child to your petition. Please contact us at KingstonIV@state.gov so we can further advise you.

We understand that reuniting your family is important to you and are glad to provide any additional information you may need as you prepare for your interview. Until then, enjoy your time with your new baby!

You can find more information about how to travel to the U.S. on our website, www.kingston.usembassy.gov and the website of our authorized service provider at www.usvisa-info.com. Keep on top of Embassy news on our Facebook page, www.facebook.com/pages/US-Embassy-Jamaica and by following @USEmbassyJA on Twitter. We also answer general visa questions on our Facebook and Twitter pages.